

House Enrolled Act 1434
Department of Child Services

Collaborative Care Background Checks & Eligibility Requirements

Sections: 1, 23, 24

DCS offers an innovative program to youth between ages 18 and 20 called Collaborative Care. This voluntary program is an extension of IV-E foster care, and it provides services and unique placement options to help transition youth out of the child welfare system. Collaborative Care is designed to provide greater opportunities for youth planning and decision making. One placement option available to older youth is a “host home,” which means the home of a relative not licensed as a foster parent, or an adult that is not a relative of the youth. Because the Collaborative Care program is different from traditional foster care, “host homes” are not required to be licensed as foster homes. In order to receive authority from the FBI to complete a fingerprint-based background check, state statute is required to explicitly give an agency authority to fingerprint for each specific circumstance. This Act permits to conduct fingerprint-based background checks on “host homes.”

Additionally, there were some technical errors in the Collaborative Care eligibility statute that needed to be corrected. For example, one criteria for eligibility is that youth must be “participating in a program or activity designed to promote or remove barriers to employment.” One way of reading this is to say that a youth must be participating in a program designed to *promote barriers to employment*, which is obviously contrary to the program’s goals. This Act amends the Collaborative Care statute to clarify eligibility requirements and provides that youth are eligible to participate in Collaborative Care on the day of their 18th birthday.

Social Work Licensure Exemption for DCS Staff

Section: 2

Indiana statute requires individuals to be licensed in order to practice “social work.” Statute provides an exemption from licensure for certain positions under FSSA, DOC, ISDH, and other government agencies. However, DCS staff are not included on this exemption list. It is our belief that when DCS was broken off from FSSA and created as a standalone agency, the statute was never updated to add the necessary exemption for DCS staff. HEA 1434 adds DCS staff to the list of government employees exempt from the social work licensure requirement.

Repeal Duplicative Regional Service Council Requirements

Sections: 14, 15, 26

DCS has 18 statutorily-created multi-disciplinary Regional Service Councils (RSCs) to assess the services available in communities, identify needed services for families and children, and ensure that the needed services are available in communities. Currently, each RSC is required to complete two different reports that include very similar information. The first is the “Local Plan for the Provision of Child Protection Services” under IC 31-33-4, and the second is the “Regional Service Strategic Plan” under IC 31-26-6. Requiring the RSCs to complete two plans creates an unnecessary duplication of work. The RSCs have already identified this duplication by merging both plans into one document in current practice, and this Act statutorily consolidates the two report.

Local Law Enforcement/Sex Offender Checks for Licensed Providers

Section: 4

DCS licensed providers are not required by statute to complete local law enforcement background checks or sex offender checks on their volunteers and employees. DCS providers are required to complete fingerprint-based background checks on staff and volunteers, but the fingerprint-based check alone is not a complete background check. Currently, not all local jurisdictions submit their arrest records to the Indiana State Police to be included in the fingerprint-based check, which means the only way to know about local records is to complete the local check. HEA 1434 requires DCS licensed providers to complete a local law enforcement background check and sex offender registry check for all employees and volunteers.

Aligning Indiana with Recent Federal Legislation

Sections: 3, 5-13, 16-22, 25, 27, 30-33, 35-37, 39-43

The majority of HEA 1434 brings Indiana in compliance with recently passed federal legislation, the *Preventing Sex Trafficking and Strengthening Families Act* (H.R. 4980) which was signed into law in September 2014. These changes include:

- Amends the definition of “sibling” to clarify that the sibling relationship remains intact in cases where parental rights have been terminated.
- Requires that youth age 14 and older be actively involved in the development of their case plans and transition plans.
- Allows DCS to enter into an agreement with a successor guardian to assume guardianship assistance payments if a child’s guardian dies or becomes incapacitated
- Adds a definition of “successful adulthood” for older youth transitioning out of care, deleting references to “independent living” throughout statute, and replacing with “successful adulthood.” This terminology more appropriately describes the transition for our older youth in care – they’re not transitioning to be *independent*, as we want them to maintain healthy and strong relationships with family and friends and mentors. We want them to transition instead to *successful adulthood*.
- Provides that Another Planned Permanent Living Arrangement (APPLA) is only permitted as a permanency option for youth age 16 and older
- Requires DCS to run annual credit reports on youth aged 14+ instead of 16+ as currently required.
- Requires that children placed in out-of-home care have access to age-appropriate activities (clubs, sports, youth group, music, etc.). It is important to ensure that foster youth have the opportunity to participate in the same activities as other children their age, and this allows those kids to feel “normal”.
- Requires that for youth who turn 18 and have been in foster care for at least 6 months, the local DCS office shall provide an official copy of the youth’s birth certificate, social security card, medical records, and driver’s license or ID card prior to the youth leaving foster care.